

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
CRAIG DOUGHTY

(b) County of Residence of First Listed Plaintiff New Castle Co., DE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Peter H. Demkovitz
Suite 2020 123 South Broad Street
Philadelphia, PA 19109

DEFENDANTS
Attorney General Jefferson B. Sessions, III;
United States Department of Justice - Bureau of Prisons

County of Residence of First Listed Defendant Washington, D.C.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4		
<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5		
<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6		

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	CIVIL RIGHTS PRISONER PETITIONS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	Labor <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation
			<input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Civil Rights Act of 1991

Brief description of cause:

Discrimination and retaliation for having invoked rights under Title VII

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P. **DEMANDS** **CHECK YES only if demanded in complaint:** **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): **JUDGE** **DOCKET NUMBER**

DATE **SIGNATURE OF ATTORNEY OF RECORD** *[Signature]* DOCKET NUMBER _____
12/12/2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG JUDGE

MARKOWITZ & RICHMAN
By: Peter H. Demkovitz, Esq. 75319
Suite 2020
123 South Broad Street
Philadelphia, PA 19109
(215) 875-3100
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRAIG DOUGHTY,	:	CIVIL ACTION NO.
13 Yorkridge Trail	:	
Hockessin, DE 19707	:	
 Plaintiff	:	
 v.	:	<u>JURY TRIAL DEMANDED</u>
 ATTORNEY GENERAL	:	
JEFFERSON B. SESSOINS, III	:	
 and	:	
 THE DEPARTMENT OF JUSTICE	:	
(FEDERAL BUREAU OF PRISONS)	:	
950 Pennsylvania Ave. N.W.	:	
Washington, D.C. 20530	:	
 Defendants	:	

COMPLAINT

I. PRELIMINARY STATEMENT

This is a case in which the Department of Justice Federal Bureau of Prisons (“Agency”) discriminated against the Complainant, Craig T. Doughty (“Doughty”) in violation of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e *et seq.* More specifically, the Agency unlawfully denied Doughty a number of promotions and created a hostile work environment in retaliation for his having invoked his right to a non-discriminatory workplace, all on account of his race (White) and in retaliation for his EEO activity.

II. JURISDICTION AND VENUE

1. The cause of action set forth herein arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended by the Civil Rights Act of 1991 (“Title VII”), The District Court has jurisdiction over the cause of action under 28 U.S.C. §§ 1331 and 1343 and the First Amendment to the United States Constitution.

2. Venue is proper under 28 U.S.C. § 1391(b) in as much as all the causes of action arose in the District of New Jersey.

III. PARTIES

3. Plaintiff, Craig Doughty, is a White male who served as a Special Investigative Technician at the Federal Correction Institution in Fairton, New Jersey. Plaintiff resides at 13 Yorkridge Trail, Hockessin, DE 19707.

4. Plaintiff was at all relevant times an employee as defined under Title VII working for the Department of Justice Bureau of Prisons.

5. Defendant Attorney General Jeffrey B. Sessions, III is the Attorney General of the United States being sued in his official capacity.

6. Defendant Department of Justice (“DOJ”) is a department of the Executive Branch of the United States Government. The Federal Bureau of Prisons (“BOP”) is a component of defendant DOJ. Defendant DOJ is an “agency” within the meaning of 5 U.S.C. § 552(f).

7. At all times material hereto, Defendants employed in excess of five hundred (500) employees, including, at pertinent times, Plaintiff.

8. At all times material hereto, Defendant acted by and through its authorized agents, servants, workmen and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant’s business.

9. Plaintiff comes within the protection of Title VII for claims of race-based discrimination. Plaintiff is White.

IV. ADMINISTRATIVE PROCEDURES

10. Plaintiff filed a timely charge of discrimination with the Equal Employment Opportunity Office of the Complaint Adjudication Office of the United States Department of Justice (hereinafter the “agency”). On December 29, 2015, The Agency Complaint Number is BOP-2016-0148 and DJ Number 187-3-4189

11. On or about September 11, 2017, a Notice of a Right to Sue was mailed to Plaintiff. (See attached). Commencement of this action is within ninety (90) days of receipt of this letter.

V. FACTUAL ALLEGATIONS

12. Plaintiff was a GS-9 Budget Analyst for BOP at the Federal Correctional Institution, Fairton, New Jersey (“FCI”).

13. In January 2014 Complainant filed an EEO complaint against the Agency

alleging discrimination and harassment based upon race.

14. The initial complaint named Captain Morales and Lieutenant Keith Hampton as harassing Complainant. Both were close friends of Assistant Warden Lamine N'Diaye. The former is Hispanic and the latter two are African American.

15. The Agency refused to timely pay Complainant for overtime worked,

16. The Agency engaged in a series of harassing behavior, including but not limited to, changing Complainant's desk and then taunting him about the move; singling Complainant out for a schedule change to have him work evening shift); assigning him bus duty and replacing him on the Disturbance Control Team despite the fact that he was experienced and had been acting Lieutenant.

17. Plaintiff filed a Complaint of discrimination against the Agency. The Agency's final determination is pending.

18. On or about October 21, 2015, Plaintiff learned that he was passed over for the position of a GS-9 Lieutenant at FCI for which he applied.

19. The Agency selected Salvatore Rodio for the position of Lieutenant, despite his having ten fewer years of experience than Plaintiff, and despite the fact that Plaintiff had often been Acting Lieutenant in the past.

20. Associate Warden Lamine N'Diaye selected Rodio over Plaintiff in retaliation for Plaintiff's having filed a complaint of discrimination and having invoked his federally protected rights under Title VII.

VI. COUNT I

VIOLATION OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000e et seq.

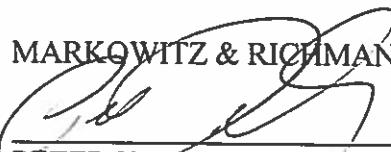
21. Plaintiff incorporates paragraphs 1 through 20 as if fully set forth herein.
22. Defendant Philadelphia has discriminated against Plaintiff by denying him the same rights enjoyed by non-White employees with respect to the terms and conditions of his employment relationship in violation of Title VII and discriminated and retaliating against Plaintiff for his having participated in EEO complaints and investigations.
23. Plaintiff was subject to harassment and retaliations by and through the agents and supervisors of Defendants
24. Defendants actions were willful and malicious.
25. As a consequence of Defendant's actions and omissions as described herein, Plaintiff has suffered substantial benefits of employment, embarrassment, humiliation, mental pain and emotional distress.

WHEREFORE, Plaintiff respectfully requests this Court to assume jurisdiction and to enter a judgment in favor of Plaintiff and against Defendant:

- (a) Declaring the acts and practices complained of herein to be in violation of Title VII;
- (b) Enjoining and restraining permanently the violations alleged herein;
- (c) Awarding compensatory damages to make Plaintiff whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiff has suffered or may suffer as a result of defendants' improper conduct;
- (d) Awarding compensatory damages to Plaintiff for past and future pain and

suffering, emotional upset, mental anguish, humiliation, loss of life's pleasures and damage to reputation;

- (g) Awarding Plaintiff costs of this action, together with reasonable attorney's fees and experts' fees
- (h) Granting such other and further relief as the Court deems appropriate.

MARKOWITZ & RICHMAN
BY: 
PETER H. DEMKOVITZ
Attorneys for Plaintiff,
Craig Doughty

DATED: December 12, 2017



Complaint Adjudication Office

Agency Complaint Number BOP-2016-0148
DJ Number 187-3-4189

950 Pennsylvania Avenue, N.W.
Patrick Henry Building, Room A4810
Washington, DC 20530

Mr. Craig Doughty
13 Yorkridge Trail
Hockessin, DE 19707

SEP 12 2017

Dear Mr. Doughty:

This is in reference to the discrimination complaint that you filed against the Federal Bureau of Prisons. Under the Department of Justice's equal employment opportunity regulations, the Complaint Adjudication Officer renders the final Department of Justice decision on your complaint. Enclosed is the final Department of Justice decision.

Rights of Appeal

First, you have the right to appeal any part of the decision to the Equal Employment Opportunity Commission (EEOC). You may do so by filing your appeal within 30 days of the date you receive this decision. If you are represented by an attorney of record, the 30-day appeal period shall begin to run the day your attorney receives this decision. The appeal must be in writing. The Commission prefers that you use EEOC Form 573, Notice of Appeal/Petition, a copy of which is attached, to appeal this decision. The notice of appeal should be sent to Carlton Haddon, Director, Office of Federal Operations, EEOC, Post Office Box 77960, Washington, D.C., 20013, by mail, personal delivery, or facsimile. You must also send a copy of your notice of appeal to Mina Raskin, 320 First St. NW, Room 936, Washington, DC 20530. You must state the date and method by which you sent the copy of your notice to Ms. Raskin either on, or attached to, the notice of appeal you mail to the EEOC.

Second, you have the right to file a civil action in the appropriate United States District Court within 90 days of the date you receive this decision. In filing your federal complaint, you should name Attorney General Jefferson B. Sessions, III as the defendant. Even if you appeal this decision to the EEOC, you still have the right to go to federal

court. You may file a civil action in the United States District Court within 90 days of the day you receive the Commission's final decision on your appeal, or after 180 days from the date you filed your appeal with the Commission, if the Commission has not made a final decision by that time.

If you cannot afford to file a civil action, you can ask the court to allow you to file the action at no cost to you. The court may also provide you with an attorney if you cannot afford to hire one to represent you in your civil action. Questions concerning when and how to file a waiver of costs should be directed to your attorney or the District Court clerk.

Sincerely,


Robert K. Abraham
Acting Complaint Adjudication Officer

cc: Richard Toscano
Mina Raskin

Peter H. Demkovitz
123 South Broad St.
Suite 2020
Philadelphia, PA 19109